

**Steven T. Singer**  
**Counselor-At-Law**  
**34 Hillside Avenue**  
**Montclair, New Jersey 07042**  
**Tel: 973.744.6093**  
**Fax: 973.744.6097**  
**Email: stsinger@verizon.net**

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April 4, 2017

Juan Fajardo, Esq.  
Office of Regional Counsel  
United States Environmental Protection Agency  
290 Broadway  
New York, New York 10007

Re: Diamond Alkali Superfund Site, Lower 8.3 Miles of Lower Passaic River  
Notice of Potential Liability Under 42 U.S.C. Section 9607(a)

Dear Mr. Fajardo:

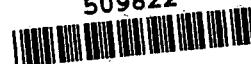
On behalf of my client, Darling International Inc. (now known as Darling Ingredients Inc.), I want to thank you for taking the time to speak with me this morning concerning the Environmental Protection Agency's ("the Agency") March 30, 2017 Notice setting forth potential settlement tracks for the above matter.

On March 8, 2017, I had written to Ms. Nicoletta DiForte, USEPA, with respect to Darling's potential liability for Passaic River-related matters. There were two salient points to the letter.

First, the Agency has previously alleged that Darling was a Potentially Responsible Party ("PRP") by way an alleged nexus to two rendering facilities once owned and operated in Newark and Kearny, New Jersey, by an entity known as Standard Tallow Corporation ("STC"). STC operated in Newark until 1986, when it relocated to Kearny, and then ceased operations at the Kearny location in 1996.

Darling acquired the stock of STC in 1996 but STC was never merged into Darling. Darling never operated either of the STC facilities, and Darling never assumed the liabilities of STC arising from the latter's operation of the Newark and Kearny facilities. STC was dissolved in January, 2000. Darling submits that it does not have any potential CERCLA liabilities associated with STC's operation of its Newark and Kearny facilities.

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Second, Darling engaged Pastor, Behling & Wheeler ("PB&W"), to conduct a comprehensive review of the available documentation concerning the operations of the two STC facilities and the claims asserted by the Agency. That review demonstrates that both the STC rendering facilities processed only organic raw materials and that no chemicals were used in the rendering process.

The only plausible constituents of concern that may have been present in the wastewater/storm water discharged from the STC facilities were biodegradable BOD, COD, and animal/vegetable derived fats. Hence, the PB&W report concludes that neither STC facility was the source of any of the EPA-identified Contaminants of Concern in connection with the Lower Passaic River.

In sum, Darling respectfully submits that there is a significant threshold legal question concerning whether Darling has any legal liability under CERCLA for the operations of STC. Further, the PB&W report conclusively demonstrates that the STC operations were not associated with the disposal or release of any of the Contaminants of Concern for OU2, as identified in the OU2 ROD. Therefore, at a minimum, Darling should be added to the list of 20 parties that EPA has identified as candidates for an early cash out settlement.

I have enclosed a copy of my letter to Ms. DiForte and the PB&W report. I would respectfully request that you review the PB&W report in its entirety and reconsider the Agency's position concerning Darling.

Please do not hesitate to contact me should you have any questions concerning this matter. On behalf of Darling, I look forward to your favorable reply.

Very truly yours,

  
Steven T. Singer, Esq.

Cc: John Sterling, Esq.